

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/854,568
Applicant : SAMUEL BOGOCH
Filed : May 15, 2001
Title : METHODS AND COMPOSITIONS FOR STIMULATING THE
IMMUNE SYSTEM
Confirmation No. : 8438
Art Unit : 1644
Examiner : David A. SAUNDERS
Customer No. : 23838

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW UNDER 37 CFR 1.133(b)

Dear Sir:

This is a Statement of Substance of Interview under 37 C.F.R. § 1.133(b) summarizing the Examiner Interview of November 20, 2007 in the above-captioned application. Applicant expresses his gratitude to Examiner Saunders and Supervisory Examiner Chan for their time in discussing the above-captioned application with Applicant's representatives.

Statement of Substance of Interview begins on page 2 of this paper.

Statement of Substance of Interview

Examiner Saunders and Supervisory Examiner Chan granted Applicant an Examiner Interview on November 20, 2007. Participants at the Interview were Examiner Saunders, Supervisory Examiner Chan and Applicant's representatives, namely, Richard W. Ward of Kenyon & Kenyon LLP and Daren P. Nicholson of Replikins LLC.

Participants discussed pending claims 1-4. No exhibits were presented. No agreement was reached as to pending claims 1-4. Examiner Saunders indicated that pending claim 14 would be restricted from the application.

Applicant's representatives discussed use of the terms "recognin" and "malignin" in the above-captioned application and clarified for the Office that the relevant examples in the application directed to antirecognin antibodies are understood by one of ordinary skill in the art as antibodies directed against the malignin oncoprotein. Examiner Saunders requested the discussed clarification of the terms "recognin" and "malignin" be submitted in a supplement to the Response with RCE filed October 31, 2007 to be filed within two months of the Examiner Interview.

Applicant's representatives additionally discussed support for the enablement of pending claims 1-4 in Ezell (Jour. of NIH Res. vol. 7, pp. 46-49, January 1995) and Spitler (Cancer Biotherapy, vol. 10, no. 1, pp. 1-3, 1995). Examiner Saunders again requested that the discussed support be submitted in a supplemental filing within two months of the Examiner Interview.

Applicant's representatives further discussed the differences between pending claims in the above-captioned application and claims that were pending before the Board of Patent Appeals and Interferences (BPAI) in related application ser. no. 08/031,562. Applicant's representatives directed the Examiner to statements in the November 30, 2000 decision of the BPAI in support of enablement of pending claims 1-4 in the above-captioned application. Examiner Saunders requested that the discussed enablement support be submitted in a supplemental filing within two months of the Examiner Interview.

In view of the Examiner's requests, Applicant expects to file, by January 20, 2008, a supplement to the Response with RCE filed October 31, 2007. Applicant expects the supplement to include (1) citations in support of Applicant's use of the terms "recognin" and "malignin" in the above-captioned application, (2) citations to Ezell and Spitler in support of the enablement of

the pending claims, and (3) support for enablement of the pending claims drawn from the November 30, 2000 decision of the BPAI in related application ser. no. 08/031,562.

CONCLUSION

It is believed that the present claims are in condition for allowance and Applicant earnestly requests the same. An early and favorable action on the merits is solicited. The Examiner is invited to contact the undersigned attorney to expedite allowance.

The Commissioner is authorized to charge any fees or overpayments associated with this application to Kenyon & Kenyon LLP **Deposit Account No. 11-0600**.

Respectfully submitted,

KENYON & KENYON LLP

Dated: December 19, 2007

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